Sanders, Peggy

From: Gary Huff [GHuff@karrtuttle.com]
Sent: Wednesday, April 28, 2010 12:17 PM
To: Sanders, Peggy
Cc: Douglas A. Luetjen; Steve Ohlenkamp (E-mail); Wells, Mark (E-mail); Dennis Derickson (E-mail)
Subject: UC code clean up
Attachments: Proposed revisions to UC Code 427_v1.DOC

Peggy--Hopefully the attachment will make your job a little easier. It contains our suggestions to clean up some inconsistencies in the current draft (at least as we understand it). More importantly, we've included our suggestion as to how to "prune" the process requirements.

First, some explanation. We've reworded Note 3 re ground floor retail and the definition of mixed use. The next paragraph isn't proposed code text but a suggestion as to where the ground floor retail FAR bonus might fit better.

With respect to building heights and setbacks, there appears to be some language missing in all of the amendments. I've added language in 30.34A040(2)(a) so that it reads in the manner I think was intended. Without the addition, the example involving 45 and 90 feet doesn't make sense. You will also see that I reordered the language slightly to clarify what I think was the intent--that these requirements should not apply in either instance where the UC zoned property abuts a critical area.

The access to public transportation language is revised to avoid a potential trap where appropriate high occupancy travel may not be immediately available.

Our "process" proposal may take some explanation. You will recall that the language in Executive 2 and Council 7B were early attempts to define the proper role for cities. I can't believe that Woodway, for example, envisioned that those amendments would remain if their development agreement proposal, or a reasonable facsimile thereof, became part of the code. Thus, I've removed 2 and 7B and then expanded on Councilman Gossett's suggestion about alternative processes depending on whether a development agreement is successfully negotiated.

This may still be very confusing. I'm available to talk about this at any time. Hopefully this helps.

Gary

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Floor Area Ratio/Ground Floor Retail

Table 30.34A.030(1) Note 3:

3. "Mixed-use" means residential and non-residential uses located within the same building. For urban centers comprised of multiple lots and/or buildings, "mixed-use" means that both residential and non-residential uses must be included within the urban center, but not necessarily within the same building. For such urban centers, FAR shall be calculated for the entire property and not for each individual building.

If the intent of the new "Ground Floor Retail" FAR range is to provide an incentive for the provision of that use, then perhaps this requirement fits better in Table 30.34A.030(2) as a floor area ratio bonus. If so, it may be useful to include a minimum depth requirement for street level commercial uses. The Seattle code requires a minimum depth of 30 feet.

30.34A.040 Building Height and Setbacks (Council 8E)

(2)(a) Building heights must be scaled down for buildings located on the edge of UC zoning and abutting R-9600, R-8400, R-7200, T or LDMR zoning and limited in height to that equal to twice the distance of such land from the zoning line (e.g. a building that is 45 feet from R-9600, R-8400, R-7200, T or LDMR zoning may not exceed 90 feet in height.

(2)(b) For buildings that are not located on the edge of the UC zoning but are located within 100 feet of the R-9600, R-8400, R-7200 shall be limited in height to two times the height limit in the R-9600, R-8400 or R-7200 zone; and buildings between 100 feet and 200 feet of an R-9600, R-8400 or R-7200 zone to three times the height limit in the R-9600, R-8400 or R-7200 zone.

(2)(c) Where the UC zoning line abuts a critical area protection area and buffer or utility, railroad, public or private road right-of-way, building heights shall not be subject to the limitations in sections (2)(a) and (2)(b) if the critical area protection area and buffer or utility, railroad, public or private road right-of-way provides an equal or greater distance between the building(s) and the zoning line than would be provided in subsections (2)(a) or (b).

30.34A.085 Access to public transportation. (Council 10B)

Business or residential buildings within an urban center must either (1) be constructed with one-half mile of existing or planned stops or stations for high capacity transit routes such as commuter rail lines, regional express bus routes or transit corridors that contain

multiple bus routes, (2) provide for new stops or stations for such high capacity transit routes or transit corridors within one-half mile of any business or residence and work with transit providers to assure use of the new stops or stations, or (3) provide a mechanism such as van pools or other similar means of transporting persons on a regular schedule in high occupancy vehicles to operational stops or stations for high occupancy transit routes.

"Process" Issues.

Executive 2 (SCT proposal) and Council 7B are redundant and have been superceded by the following amended language. Recommend deletion of Executive 2 and Council 7B.

30.34A.180 Review process and decision criteria.

(1) Review of an urban center development shall be as follows:

(a) Following the submittal of an urban center application, the applicant, Snohomish County, any city whose municipal urban growth area includes the urban center and any city whose public utilities or services must be used by the proposed urban center development shall attempt to negotiate and reach agreement upon a development agreement which would control the design, extent and appropriate mitigation for the urban center. In the event no agreement has been achieved within __ days of the date of application, or if the parties acknowledge in writing at any time that the terms of a development agreement are not likely to be agreed upon within said time frame, then Snohomish County shall waive this requirement and may enter into a development agreement with the applicant alone. Nothing herein shall preclude the parties from agreeing to extend the time frame for entry into the development agreement.

(b) If the terms of a development agreement are agreed upon pursuant to subsection (a) above, then the development agreement shall be reviewed pursuant to the procedures established in SCC 30.75.010-.300. If the County Council approves the development agreement pursuant to SCC 30.75.020, the development agreement shall control the manner in which the urban center shall be developed. An approved development agreement is the final decision of the county and may be appealed to superior court within 21 days of the issuance of the decision in accordance with chapter 36.70C RCW and SCC 30.71.130

(c) In the event the terms of a development agreement have not been agreed upon pursuant to either subsections (a) or (b) above within __ days of application, or if sooner requested by the applicant, a design review board established by SCC 30.34A.185 shall review and submit a recommendation regarding the initial urban center development plan to the hearing examiner based on urban center design guidelines adopted by Snohomish County. Nothing herein shall be preclude the

parties from agreeing to extend the time frame for entry into the development agreement.

(d) The hearing examiner shall consider the recommendation from the design review board under the Type 2 decision procedures set forth in SCC 30.72.025 through SCC 30.72.065.

(e) Except as otherwise provided in subsections (a) or (b) above, the hearing examiner's decision on an urban center application is the final decision of the county and may be appealed to superior court within 21 days of the issuance of the decision in accordance with chapter 36.70C RCW and SCC 30.71.130.